

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

On July 13, 2011, the Court issued an Order Denying Plaintiff's Request to Proceed Without Prepayment of Full Filing Fee and Order Dismissing Complaint with Leave to Amend. As plaintiff failed to file his First Amended Complaint within the time allotted, on August 4, 2011, the Court, *sua sponte*, extended plaintiff's time up to and including September 2, 2011, to file his First Amended Complaint. On September 1, 2011, plaintiff requested an extension of time within which to file his First Amended Compliant. The Court granted plaintiff an extension of time up to and including October 14, 2011, to file his First Amended Complaint. Plaintiff has failed to file his First Amended Complaint within the allotted time nor has he requested an additional extension of time within which to do so.

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1 The Court notes that in its Order dismissing plaintiff's Complaint, plaintiff was
2 admonished that if he failed to timely file a First Amended Complaint, the Court
3 would recommend that this action be dismissed with prejudice on the grounds set
4 forth in the dismissal order and for failure to diligently prosecute. (See Order
5 Denying Plaintiff's Request to Proceed Without Prepayment of Full Filing Fee and
6 Order Dismissing Complaint with Leave to Amend at 5.)

7 Accordingly, on or before **November 18, 2011**, petitioner is ORDERED to
8 either (a) show good cause in writing, if any exists, why plaintiff did not timely file
9 with the Court his First Amended Complaint, and why the Court should not
10 recommend that this action be dismissed, with prejudice, for failure to prosecute and
11 failure to comply with the Court's prior Order; or (b) serve and file a First Amended
12 Complaint. Plaintiff is forewarned that, if he fails to do either, the Court may deem
13 such failure a further violation of a Court order justifying dismissal, and also deem
14 such failure as further evidence of a lack of prosecution on plaintiff's part.

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16 DATED: November 1, 2011



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19 DAVID T. BRISTOW
20 UNITED STATES MAGISTRATE JUDGE
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